

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

3/4/22

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

1 BILLY M. OGAN,

2 Plaintiff,

3 v.
4 KYLE C. ZELLAR and EASTERN
5 STATE HOSPITAL,

6 Defendants.

7 No. 2:21-cv-00356-SMJ

8
9
10 **ORDER OF DISMISSAL
11 WITHOUT PREJUDICE**

12 By Order filed January 20, 2022, the Court directed Mr. Billy M. Ogan, a
13 person detained at the Eastern State Hospital and facing criminal charges, to either
14 pay the \$402.00 filing fee to commence this action or file documents necessary to
15 proceed *in forma pauperis* under 28 U.S.C. § 1915. ECF No. 3. The Court also
16 instructed Plaintiff to file a separate complaint. *Id.*

17 The Court cautioned Plaintiff that his failure to submit the necessary
18 documents and/or payment would subject this action to dismissal. *Id.* at 2. Although
19 provided more than thirty days to comply with the Court's directives, Plaintiff has
20 filed nothing further in this action.

Parties filing actions in the United States District Court are required to pay
filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate

1 payment of a filing fee only upon granting of *in forma pauperis* status. See 28
2 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of these
3 actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir.
4 1995) (district court has authority to dismiss complaint for failure to pay partial
5 filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992) (affirming dismissal
6 of appeal of *pro se* litigant for failure to pay required filing fees).

7 Accordingly, **IT IS HEREBY ORDERED:**

- 8 1. This action is **DISMISSED WITHOUT PREJUDICE** for failing to
9 submit a signed Complaint and for failing to pay the filing fee or filing
10 the documentation necessary to proceed *in forma pauperis* under 28
11 U.S.C. §§ 1914(a) and 1915(a).
- 12 2. The Clerk's Office is directed to **ENTER JUDGMENT** and **CLOSE**
13 this file.
- 14 3. The Court certifies that any appeal of this dismissal would not be taken
15 in good faith and would lack an arguable basis in law or fact.

16 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
17 provide copies to *pro se* Plaintiff at his last known address.

18 **DATED** this 4th day of March 2022.

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SALVADOR MENDOZA, JR.
United States District Judge